

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, *et al.*, :
***ex rel.* STAN ELLIS :**

v. :

CIVIL ACTION NO. 16-1582

CVS HEALTH CORPORATION, *et al.* :

ORDER

This 2nd day of May, 2023, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that Defendants’ Motion to Dismiss (ECF 36) is **GRANTED** in part, as follows. The following Defendants are dismissed without prejudice: CVS Pharmacy, Inc.; Silverscript, LLC; Caremark Rx LLC; Caremark, LLC; Caremark PCS, LLC; Silverscript Insurance Company; and Accendo Insurance Company. Counts Three, Sixteen, Nineteen, Twenty-Three, Thirty-Seven, and Thirty-Nine are dismissed with prejudice. Plaintiff-Relator’s “legal falsity” claims are dismissed without prejudice, and, unless successfully amended, the remaining claims are limited to a “worthless services” theory pertaining to Humira, Enbrel, and Copaxone. In all other respects, the motion is denied. Plaintiff is granted 21 days within which to file an amended complaint.

/s/ Gerald Austin McHugh
United States District Judge